

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

PHYSICIANS HEALTHSOURCE, INC., an  
Ohio Corporation, individually and as the  
representative of a class of similarly situated  
persons,

Plaintiff,

v.

STRYKER SALES CORPORATION,  
STRYKER BIOTECH LLC, STRYKER  
CORPORATION, HOWMEDICA  
OSTEONICS CORP. and JOHN DOES 1-  
10,

Defendants.

No. 1:12-cv-00729-RJJ

Hon. Robert J. Jonker

**ORAL ARGUMENT  
REQUESTED**

**STRYKER ENTITIES' MOTION TO AMEND CLASS DEFINITION, OR, IN THE  
ALTERNATIVE, FOR LEAVE TO FILE SUMMARY JUDGMENT AS TO CERTAIN  
SUBSCRIBERS**

Now Come Defendants, Howmedica Osteonics Corp ("Howmedica"), Stryker Corporation, Stryker Sales Corporation and Stryker Biotech LLC, by and through their attorneys, Sedgwick LLP and Sheppard Mullin Richter & Hampton LLP, and move this Honorable Court for an Order amending the class definition to exclude: (1) Defendants' employees, contractors and agents; and (2) federal, state and local government entities. In the alternative, Defendants seek leave to leave to file summary judgment as to such subscribers.

In support thereof, Defendants submit the accompanying Memorandum in Support of their motion, along with supporting exhibits.

In accordance with Local Rule 7.1(d), counsel for Defendants' sought Plaintiff's agreement to the relief requested in this motion. By email dated September 2, 2014, counsel for Plaintiff responded that Plaintiff does not oppose one portion of the relief requested by

Defendants. In particular, Plaintiff does not oppose the motion to exclude Defendants' employees, contractors and agents. By email dated August 26, 2014, Plaintiff has stated that it does oppose the modification of the class definition to exclude government entities.

Dated: September 18, 2014

Respectfully submitted,

**Howmedica Osteonics Corp, Stryker Corporation, Stryker Sales Corporation and Stryker Biotech LLC**

By: /s/ Anthony J. Anscombe  
One of Their Attorneys

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*Counsel for Stryker Sales Corporation, Stryker Biotech LLC, Stryker Corporation and Howmedica Osteonics Corp*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **STRYKER ENTITIES' MOTION TO AMEND CLASS DEFINITION, OR, IN THE ALTERNATIVE, FOR LEAVE TO FILE SUMMARY JUDGMENT AS TO CERTAIN SUBSCRIBERS** was electronically filed via ECF, which effects service upon all interested parties.

Dated this 18<sup>th</sup> day of September, 2014.

/s/ Anthony J. Anscombe